

FREJKA PLLC  
Elise S. Frejka  
Jason S. Rappaport  
733 Third Avenue  
New York, New York 10017  
Telephone: (212) 615-0800

*Attorneys for D. Stone Industries Inc. Profit Sharing Plan, Daniel Stone, Michael Stone and Susan Stone*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

D. STONE INDUSTRIES, INC. PROFIT SHARING  
PLAN; and DANIEL STONE, MICHAEL STONE  
and SUSAN STONE, individually and in their  
capacities as trustees of D. Stone Industries, Inc.  
Profit Sharing Plan,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05068 (SMB)

**NOTICE OF SUBSTITUTION OF COUNSEL AND PROPOSED ORDER**

PLEASE TAKE NOTICE that the law firm of Frejka PLLC, 733 Third Avenue, New York, New York 10017, shall be substituted in place of the law firm of Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, New York 10036 as counsel of record for D. Stone Industries Inc. Profit Sharing Plan, Daniel Stone, Michael Stone and Susan Stone (the Defendants) in this adversary proceeding. All notices given or required to be given in this adversary proceeding shall be given to and served upon the following:

FREJKA PLLC  
733 Third Avenue  
New York, New York 10017  
Attn: Elise S. Frejka  
Jason S. Rappaport  
Telephone: (212) 641-0800  
Email: [efrejka@frejka.com](mailto:efrejka@frejka.com)  
[jrappaport@frejka.com](mailto:jrappaport@frejka.com)

PLEASE TAKE FURTHER NOTICE THAT the Defendants have knowledge of and consent to this substitution of counsel.

Dated: New York, New York  
March 20, 2015

KRAMER LEVIN NAFTALIS &  
FRANKEL LLP

By: /s/ Philip Bentley  
Philip Bentley  
1177 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 715-9100  
Facsimile: (212) 715-8000

Dated: New York, New York  
March 20, 2015

FREJKA PLLC

By: /s/ Elise S. Frejka  
Elise S. Frejka  
Jason S. Rappaport  
733 Third Avenue  
New York, New York 10017  
Telephone: (212) 641-0800

Dated: New York, New York  
March \_\_, 2015

SO ORDERED:

---

HON. STUART M. BERNSTEIN  
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,  
v.

BERNARD L. MADOFF INVESTMENT SECURITIES  
LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,  
v.

D. STONE INDUSTRIES, INC. PROFIT SHARING  
PLAN; and DANIEL STONE, MICHAEL STONE and  
SUSAN STONE, individually and in their capacities as  
trustees of D. Stone Industries, Inc. Profit Sharing Plan,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05068 (SMB)

**DECLARATION OF ELISE S. FREJKA**

I, ELISE S. FREJKA declare as follows:

1. I am a member of the firm of Frejka PLLC and a member of the Bar of this Court.

Pursuant to Local Civil Rule 1.4 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I submit this declaration in support of the accompanying notice and proposed order substituting Frejka PLLC for Kramer Levin Naftalis & Frankel LLP as counsel for D. Stone Industries Inc. Profit Sharing Plan, Daniel Stone, Michael Stone and Susan Stone (the “Defendants”) in the above-captioned adversary proceeding. I also

have read Local Bankruptcy Rule 2090-1 of the Local Rules of the United States Bankruptcy Court for the Southern District of New York.

2. The Defendants have requested and consent to this substitution of counsel.

3. It is not expected that any delay or prejudice will result to any party in this proceeding from this substitution of counsel.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
March 20, 2015

By: /s/ Elise S. Frejka  
Elise S. Frejka